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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/056,237 | 01/25/2002 | Richard Wisniewski | 2035749 | 8952 |

7590 11/21/2006

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Albany, NY 12203

EXAMINER

FORD, JOHN K

ART UNIT PAPER NUMBER

3744

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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|---------------------------------|-------------|---|---------------------|

10/056,237

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| EXAMINER |
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| ART UNIT | PAPER |
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20061115

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attachments

The Board of Appeals mailed a communication to Appellant on September 29, 2006. A copy of that communication is attached here and is incorporated by reference.

Regarding the IDS filed January 25, 2002, all of the references were considered at the time of the submission of the IDS. The examiner did not however formally acknowledge that consideration. Attached here is a copy of the IDS initialed by the examiner showing that these references were considered.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Ford whose telephone number is 571-272-4911. The examiner can normally be reached on Mon.-Fri. 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKF



John K. Ford
Primary Examiner

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MAILED

SEP 29 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD WISNIEWSKI and LEONIDAS CARTWRIGHT LEONARD

Application No. 10/056,237

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences (BPAI) on September 22, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

Appellants filed an Information Disclosure Statement (IDS) on January 25, 2002. The examiner has not initialed and dated the 6 pages of the 1449 of the IDS to indicate consideration of same.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

Application No. 10/056,237

- a.) for proper consideration of the IDS filed January 25, 2002, and
- b.) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-9797

cc: BRETT M. HUTTON, ESQ.
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